

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

**IN RE: SAMSUNG TOP-LOAD)
WASHING MACHINE MARKETING,)
SALES PRACTICES AND PRODUCT)
LIABILITY LITIGATION)**

MDL Case No. 17-ml-2792-D

**THIS DOCUMENT RELATES TO:)
ALL ACTIONS)**

ORDER

Pursuant to the Court’s Order of October 13, 2017, setting the Initial Case Management Conference [Doc. No. 6], counsel for Plaintiffs and counsel for Defendants have each submitted a proposed organizational structure. Based on review of Plaintiffs’ Unanimous Motion for Appointment of Interim Co-Lead Counsel and Steering Committee Doc. No. 12], and the Organization of Defendants Counsel, attached as Appendix I to Defendants’ Brief Regarding Current Status of Consolidated Cases [Doc. No. 22], as well as all supplemental submissions regarding the qualifications of counsel, the Court hereby establishes the following organizational structure:

I. Plaintiffs Leadership Structure

A. Co-Interim Class Counsel and Co-Lead MDL Counsel

Having considered the required and suggested qualifications delineated in Federal Rule of Civil Procedure 23(g), the Court appoints as Co-Interim Class Counsel and Co-Lead MDL Counsel (“Co-Lead Counsel”):

William B. Federman
Federman & Sherwood
10205 N. Pennsylvania Avenue
Oklahoma City, OK 73120
(405) 235-1560
wbf@federmanlaw.com

Jason L. Lichtman
Lieff Cabraser Heimann &
Bernstein, LLP.
250 Hudson Street, 8th fl.
New York, NY 10013
(212) 355-9500
jlichtman@lchb.com

Co-Lead Counsel will assume the duties of Liaison Counsel as well as the duties of Co-Interim Class Counsel and Co-Lead MDL Counsel. The duties of the Co-Lead Counsel are, as follows:

- Determine (after consultation with other members of Plaintiffs' Steering Committee and other co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties, the position of the Plaintiffs on all matters arising during pretrial proceedings;
- Coordinate the initiation and conduct of discovery on behalf of Plaintiffs consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2), and 26(g), including the preparation of joint interrogatories and requests for the production of documents and the examination of witnesses in depositions;
- Conduct settlement negotiations on behalf of Plaintiffs, but not enter binding agreements except to the extent expressly authorized;
- Delegate specific tasks to other counsel in a manner to ensure that pretrial preparation for the Plaintiffs is conducted efficiently, effectively, and in the best interests of the Plaintiffs and the proposed class(es);

- Enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
- Prepare and distribute to the parties periodic status reports;
- Maintain adequate time and disbursement records covering services of designated Co-Lead Counsel;
- Collect monthly time, lodestar and expense reports from each Plaintiffs' counsel, including paralegals and any other staff members whose time is expected to be included in any fee petition;¹
- Assess Plaintiffs' common litigation costs and collect all assessments on a regular basis;
- Monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
- Perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities on behalf of Plaintiffs and the putative class or authorized by further Order of the Court;
- Maintain and distribute to co-counsel and to Defendants' liaison counsel an up-to-date service list;
- Receive and, as appropriate, distribute to co-counsel orders from the court and documents from opposing parties and counsel;

¹ All counsel are directed to maintain detailed time and expense records indicating with specificity the hours, location and particular activity in connection with the performance of services. Failure to maintain such records will be grounds for denying court-awarded attorney fees.

- Receive and distribute orders and notices from the Judicial Panel on Multidistrict Litigation to all Plaintiffs' counsel, pursuant to Rule 4.1(d) of the Panel's Rules of Procedure;
- Maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party except such documents as may be available at a document depository; and,
- Establish and maintain, in conjunction with counsel for Defendants, a document depository.

B. Plaintiffs' Steering Committee

The Court hereby appoints the following counsel to Plaintiffs' Steering Committee ("PSC"):

Shanon J. Carson
Berger & Montague, P.C.
1622 Locust St.
Philadelphia, PA 19103
215-875-3000
scarson@bm.net

Jayne A. Goldstein
Shepherd, Finkelman, Miller &
Shah, LLP
1625 N Commerce Parkway
Suite 320
Fort Lauderdale, FL 3332
(954) 903-3170
jgoldstein@sfmslaw.com

Robert S. Green
Green & Noblin, P.C.
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Suite 101
Larkspur, CA 94939
415-477-6700
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Stephen H. Kupperman
Barrasso Usdin Kupperman
Freeman & Sarver, L.L.C.
909 Poydras St
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Theile B. McVey
Kassel McVey
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Zelbst, Holmes & Butler
P O Box 365
411 SW Sixth St
Lawton, OK 73502-0365
580-248-4844
zelbst@zelbst.com

The members of the PSC, as set forth above, shall consult with and be led by Plaintiffs' Co-Lead Counsel in coordinating all Plaintiffs' pretrial activities and in planning for and, if appropriate, conducting trial of these cases, and the potential resolution of these matters.

The PSC appointments are personal to the individual attorney appointed. While the Court has considered PSC members' resources and expects they will draw upon their firms and co-counsel to assist them with their duties, each member is personally responsible for his or her duties. The Court may add, remove, or replace members upon request from the PSC, or on its own motion, if and as circumstances warrant.

C. Contemporaneous Time-Keeping

All time keepers carrying out work for Plaintiffs' common benefit, who may ultimately look to any common fund or agreement for reimbursement or compensation,

shall maintain detailed contemporaneous time records.²

II. Defendants' Leadership Structure

The Court appoints the following leadership structure for all Defendants:

Defendants' Permanent Liaison Counsel	Defendants' Co-Lead Counsel
Arthur E. Brown Arnold & Porter Kaye Scholer LLP 250 West 55th Street New York, New York 10019-9710 (212) 836-8592 Arthur.brown@apks.com	Philip M. Oliss Squire Patton Boggs (US) LLP 4900 Key Tower 127 Public Square Cleveland, Ohio 44114 (216) 479-8448 Susan L. Shin Arnold & Porter Kaye Scholer LLP 250 West 55th Street New York, New York 10019-9710 (212) 836-8592 susan.shin@apks.com

A. The duties of Defendants' Permanent Liaison Counsel

The duties of Defendants' Permanent Liaison Counsel are, as follows:

- Maintain and distribute to co-counsel and to Plaintiffs' Co-Lead Counsel an up-to-date service list;
- Receive and, as appropriate, distribute to co-counsel orders from the court and documents from opposing parties and counsel;

² See Note 1, *supra*.

- Receive and distribute orders and notices from the Judicial Panel on Multidistrict Litigation to all Defendants’ counsel, pursuant to Rule 4.1(d) of the Panel’s Rules of Procedure;
- Maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party except such documents as may be available at a document depository;
- Establish and maintain, in conjunction with Plaintiffs’ Co-Lead Counsel, a document depository; and,
- Call meetings of co-counsel for the purpose of coordinating discovery, presentations at pretrial conferences, and other pretrial activities.

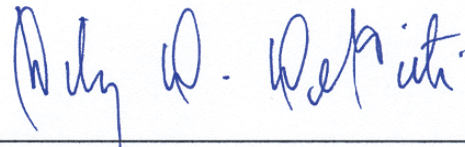
B. Duties of Defendants’ Co-Lead Counsel

Defendants’ Co-Lead Counsel are “[c]harged with formulating (in consultation with other counsel) and presenting positions on substantive and procedural issues during the litigation” on behalf of all Defendants. *Manual for Complex Litigation (Fourth)* § 10.221. To that end, Defendants’ Co-Lead Counsel shall “act for the group—either personally or by coordinating the efforts of others—in presenting written and oral arguments and suggestions to the court, working with opposing counsel in developing and implementing a litigation plan, initiating and organizing discovery requests and responses, conducting the principal examination of deponents, employing experts, arranging for support services, and seeing that schedules are met.” *Id.*

III. Privileges Preserved

No communication among plaintiffs' counsel or among defendants' counsel shall be taken as a waiver of any privilege or protection to which they would otherwise be entitled.

IT IS SO ORDERED this 6th day of December, 2017.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive, flowing style. The first name "Timothy" is written with a large 'T' and a long 'y'. The middle initial "D." is written with a large 'D' and a period. The last name "DeGiusti" is written with a capital 'D', a lowercase 'e', and a capital 'G' followed by "Giusti".

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE